

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
APPLICATION FOR PERMIT TO APPROPRIATE STATE WATER  
(SECTION 11.121, 11.042, 11.085 OR 11.143, TEXAS WATER CODE)  
TAC CHAPTERS 30, 50, 281, 287, 288, 295, 297 AND 299  
Water Supply Division, Water Rights Permitting MC-160**

**P.O. Box 13087**

**Austin, Texas 78711-3087**

**Telephone (512) 239-4691, FAX (512) 239-4770**

(if including a check, mail directly to P.O. Box 13088, Austin, TX 78711-3088)

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

**1. Applicant Information.**

A. Applicant Name(s): Lennar Homes of Texas Land and Construction, Ltd.

Mailing Address: 1707 Marketplace Blvd., Suite 250

Irving, TX 75063

Telephone Number: 469-587-5206

Fax Number: 469-587-5560

Email Address: David.Aughinbaugh@Lennar.com

B. Customer Reference Number (if issued): CN602412207

**Note:** If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

C. Fees and Penalties

Applicant owes fees or penalties?

☐ Yes

☒ No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

D. Lienholder Information

Provide this information on the holder of any liens on any land to which the water right would be appurtenant):

**2. Dam (structure), Reservoir and Watercourse Data.**

A. Type of Storage Reservoir (indicate by checking (✓) all applicable)

☒ on-channel   ☐ off-channel   ☒ existing structure   ☐ proposed structure\*   ☐ exempt structure\*\*

\* Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

\*\* TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction: Existing pond was constructed prior to 1942

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B. Location of Structure No. 1 \_\_\_\_\_

- 1) Watercourse: Tributary BB-11, tributary of Big Bear Creek
- 2) Location from County Seat: 14.12 miles in a NE\_\_ direction from County Courthouse \_\_\_\_\_, Tarrant County, Texas.  
Location from nearby town (if other than County Seat): 1.22 miles in a NW\_\_ direction from Keller Town Hall, a nearby town shown on county highway map.
- 3) Zip Code: 76248
- 4) The dam will be/is located in the Daniel Barcroft Original Survey No. \_\_\_\_\_, Abstract No. 141 in Tarrant County, Texas.
- 5) Station 1 on the centerline of the dam is S 51° W (bearing), 6.279 feet (distance) from the NE corner of Daniel Barcroft Original Survey No. \_\_\_\_\_, Abstract No. 141, in Tarrant County, Texas, also being at Latitude 32.945443 °N, Longitude 97.236464 °W. Provide the Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.

C. Reservoir:

- 1) Acre-feet of water impounded by structure at normal maximum operating level: 17.84
- 2) Surface area in acres of reservoir at normal maximum operating level: 2.87

D. Drainage Area

The drainage area above the dam is 152.54 acres or 0.238 square miles.

E. Other

- 1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_
- 2) Do you request authorization to close the "ports" or "windows" in the service spillway?  
☐ Yes ☒ No

3. **Appropriation/Diversion Request (total amount of water needed, including maximum projected uses and accounting for evaporative losses for off-channel storage, if applicable).**

A. Appropriated water will be used as follows:

|    | Purpose* | Place of Use | Acre-feet per year |
|----|----------|--------------|--------------------|
| 1) | Amenity  | In Pond      | 0                  |
| 2) |          |              |                    |
| 3) |          |              |                    |

\*If agricultural use, list crops(s) to be irrigated:  
\_\_\_\_\_

B. Lands to be irrigated (if applicable): N/A

- 1) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, Texas. A copy of the deed(s) describing the overall tract(s) with the recording information from the county records is attached.
- 2) Location of land to be irrigated: In the \_\_\_\_\_  
Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

C. Diversion Point No. \_\_\_\_\_ N/A.

- 1) Watercourse: \_\_\_\_\_.
- 2) Location of point of diversion at Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W,  
Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location..  
  
also bearing \_\_\_\_\_° \_\_\_\_\_ feet  
(distance) from the \_\_\_\_\_ corner of the \_\_\_\_\_ Original  
Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, County, Texas.
- 3) Location from County Seat: \_\_\_\_\_ miles in a \_\_\_\_\_ direction from  
\_\_\_\_\_, \_\_\_\_\_ County, Texas.  
Location from nearby town (if other than County Seat): \_\_\_\_\_ miles in a \_\_\_\_\_  
direction from \_\_\_\_\_, a nearby town shown on county  
highway map.
- 4) Zip Code: \_\_\_\_\_
- 5) The diversion will be (check (✓) all appropriate boxes and if applicable, indicate whether existing or proposed):

|  | Directly from stream   | Existing | Proposed |
|--|--|----------|----------|
|  | From an on-channel reservoir                                     |          |          |
|  | From stream to an off-channel reservoir                          |          |          |
|  | From a stream to an on-channel reservoir                         |          |          |
|  | From an off-channel reservoir                                    |          |          |
|  | Other method (explain fully, use additional sheets if necessary) |          |          |

6) Rate of Diversion (Check (✓) applicable provision):

\_\_\_ 1. Diversion Facility:

- A. \_\_\_\_\_ Maximum gpm (gallons per minute)
- B. \_\_\_\_\_ Number of pumps
- C. \_\_\_\_\_ Type of pump
- D. \_\_\_\_\_ gpm, Pump capacity of each pump

E. Portable pump \_\_\_\_\_ Yes or \_\_\_\_\_ No.

\_\_\_ 2. If by gravity:

A. \_\_\_ Headgate \_\_\_ Diversion Dam \_\_\_ Maximum gpm

B. \_\_\_ Other method (explain fully - use additional sheets if necessary)

7) The drainage area above the diversion point is \_\_\_\_\_ acres or \_\_\_\_\_ square miles.

D. Return Water or Return Flow (location and quantity information, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location): N/A

Water which is diverted but not consumed as a result of the above stated use, will be returned to

\_\_\_\_\_, tributary of \_\_\_\_\_

\_\_\_\_\_, tributary of \_\_\_\_\_

\_\_\_\_\_ Basin, at a point which is at Latitude \_\_\_\_\_

\_\_\_\_\_ °N, Longitude \_\_\_\_\_ °W, also, bearing

\_\_\_\_\_ °W \_\_\_\_\_ (direction), \_\_\_\_\_ feet (distance) from the

\_\_\_\_\_ corner of the \_\_\_\_\_ Original Survey

No. \_\_\_\_\_, Abstract No. 141 \_\_\_\_\_, in Tarrant \_\_\_\_\_ County, Texas.

Zip Code: \_\_\_\_\_

Estimated **annual** amount of return flow to said stream will be \_\_\_\_\_ acre-feet.

E. Surplus Water (provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location): N/A

Water which is diverted but not used beneficially will be returned to \_\_\_\_\_

tributary of \_\_\_\_\_ Basin at a point

which is at Latitude \_\_\_\_\_ °N, Longitude \_\_\_\_\_ °W, also

bearing \_\_\_\_\_ ° \_\_\_\_\_ (direction), \_\_\_\_\_ feet

(distance) from the \_\_\_\_\_ corner of the \_\_\_\_\_ Original Survey

No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, in \_\_\_\_\_ County, Texas.

Zip Code: \_\_\_\_\_

**4. Discharge Point Information** (if applicable, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location).

Discharge Point No. or Name: 1

A. Select the appropriate box for the source of water being discharged:

☐ Treated effluent

☒ Groundwater

☐ Other \_\_\_\_\_

B. Location of discharge point will be/is at Latitude 32.945348° N, Longitude 97.236891° W,

also bearing S 51° W, 6403 feet from the NE corner of the Daniel Barcroft,

Original Survey No. \_\_\_\_\_, Abstract No. 141, in Tarrant County, Texas.

What method was used to determine the Latitude and Longitude for the discharge point? (i.e., GPS Unit, USGS 7.5 Topographic Map, etc.)

ArcMap GIS

- C. Location from County Seat: 14.10 miles in a NE direction from County Courthouse\_\_\_\_,  
Tarrant County, Texas.  
Location from nearby town (if other than County Seat): 1.22 miles in a NW direction from Keller Town Hall, a nearby town shown on county highway map.
- D. Zip Code: 76248
- E. Water will be discharged into Structure 1 impounding BB-11 stream, (tributaries)\_\_\_\_,  
a tributary of Big Bear Creek, Trinity River Basin.
- F. Water will be discharged at a maximum rate of 0.044 cfs (19.6 gpm).
- G. The amount of water that will be discharged is 5.82 acre-feet per year.
- H. The purpose of use for the water being discharged will be to replace evaporative losses.
- I. Additional information required:

For groundwater

- 1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted.  
Has not been conducted.
- 2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map.  
See Exhibit 4 in Appendix A.
- 3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.  
  
A groundwater well will be used as the alternative water source. The new well will be located in the Northern Trinity Groundwater Conservation District (NTGCD). According to the Temporary Rules for Water Wells in Tarrant County, Texas as Amended December 8, 2011, new water wells are required to register with the NTGCD but wells that do not have the capacity, as equipped, to produce more than 40 gallons per minute (GPM) are exempt from Water Use Fee Payment, Metering, and Reporting Requirements. The new well has a capacity of 25 GPM. A copy of the submitted well registration will be provided upon completion of the project.
- 4) What aquifer the water is being pumped from?  
Paluxy Aquifer

For treated effluent

- 1) What is the TPDES Permit Number? Provide a copy of the permit.
- 2) Provide the monthly discharge data for the past 5 years.
- 3) What % of treated water was groundwater, surface water?
- 4) If any original water is surface water, provide the base water right number.

## 5. General Information.

A. The proposed \_\_\_\_\_ or existing X works are located on the land of Lennar Homes of Texas Land and Construction, Ltd., whose mailing address is 1707 Marketplace Blvd., Suite 250, Irving, TX 75063.

B. If an application for the appropriation is granted, either in whole or in part, construction works will

begin within 6 months after such permit is issued. The proposed work will be completed within 1 year from the date the permit is issued.

C. A Water Conservation Plan is attached? \_\_\_\_\_ Yes X No.

D. X Interbasin transfer is not requested.

\_\_\_\_\_ Applicant requests authorization to transfer \_\_\_\_\_ acre-feet of water per year from the \_\_\_\_\_ Basin to the \_\_\_\_\_ Basin of which \_\_\_\_\_ acre-feet of water will be used for \_\_\_\_\_ purposes and \_\_\_\_\_ acre-feet of water will be used for \_\_\_\_\_ purposes.

E. X Bed and Banks request to transfer 0 acre-feet of water per year within the bed and banks of Tributary BB-11, tributary of Big Bear Creek, Trinity River Basin.

F. Is this project located within 200 river miles of the coast? \_\_\_\_\_ Yes X No \_\_\_\_\_ Unknown

5. **Maps, plats, plans, and drawings accompany this application as required by applicable TAC Sections.**

X Yes \_\_\_\_\_ No. Attach additional sheets.

6. \_\_\_\_\_ The dam(s) and reservoir(s) shown on the attached application was (were) constructed for domestic and livestock purposes and I/we elect to seek a permit under Section 11.143 of the Texas Water Code.

7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DAVID AUGUINBAU  
Applicant Name (Sign)

\_\_\_\_\_  
Applicant Name (Sign)

DAVID AUGUINBAU  
Applicant Name (Printed)

\_\_\_\_\_  
Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this 30<sup>th</sup> day of November, 2015.



Laura Lynn Salgado  
Notary Public for the State of Texas